

Exhibit D

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From: Cassandra P. Miller [mailto:cmiller@edcombs.com]
Sent: Tuesday, July 19, 2011 04:18 PM
To: Zipprich, Renee
Cc: Curtis Warner <cwarner@warnerlawllc.com>; Dan Edelman <DEDELMAN@edcombs.com>
Subject: Scardina v. Midland Credit Management, Inc. et al.- Rule 37 Correspondence

Renee,

This email is being sent pursuant to Fed. R. Civ. P. Rule 37. We are in receipt of Defendants' responses to Plaintiff's First Discovery Requests and find that Defendants responses are deficient in a number of respects.

Defendants have not complied with the Court's order that Defendants respond to discovery by the original July 18, 2011 deadline. Defendants have failed to produce any documentation or provide any substantive information in response to Plaintiff's interrogatories and request to admit. Instead, Defendants have raised a series of baseless objections in an attempt to avoid responding to Plaintiff's discovery. Defendants responses are internally inconsistent and nonsensical. Defendants deny the dates and times of the calls, but fail to produce any supporting account notes. Defendants appear to indicate that the calls were placed by some third party, but fail to identify this party. Defendants assert that the calls were placed with the consent of the plaintiff, but fail to produce any documents evidencing this fact.

Defendants have responded to a number of the requests to produce that "Defendants will make available for inspection and copying any non-privileged, relevant documents...at a mutually agreeable time and place." These documents should be produced immediately. If necessary, I can have someone come to your office to pick up the documents today.

Last week you represented in open court that you were not and would not attempt to avoid or slow down discovery. Your responses prove otherwise. Judge Lindberg's recent ruling, in addition to the expedited discovery schedule, make clear that these types of tactics will not be tolerated.

We are available to discuss this further tomorrow, however, if we have not reached an agreement by the close of the business day on Wednesday, July 20th, we will immediately move for a motion to compel.

Thanks,
Cassandra

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